

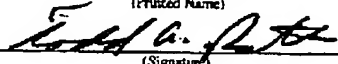
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SEP 28 2006

Atty. Dkt. No. 999999-0043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Bates
Title: TIME RECORDING AND
MANAGEMENT SYSTEM
Appl. No.: 10/763,832
Filing Date: 01/23/2003
Examiner: Cheryl Lewis
Art Unit: 2167

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Todd A. Rathe (Printed Name)	
 (Signature)	
09/28/2006 (Date of Deposit)	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, David J. Bates, state and declare that:

1. I am the inventor of claims 1-23 of U.S. Patent Application No. 10/763, 832 titled "TIME RECORDING AND MANAGEMENT SYSTEM" (hereinafter "the '832 application").
2. Prior to the July 26, 2002, the filing date of U.S. Patent Application Serial No. 10/205,204, I conceived and reduced to practice in the United States, the ideas set forth in the above-listed claims in the '832 application and described in the '832 application as evidenced by the attached Exhibits A.
3. Exhibit A is an exact copy of the redacted screenshots included in U.S. provisional application serial number 60/442,145, from which the present application claims priority. These screenshots are taken from a spreadsheet and associated macros (program) which was reduced to practice before July 26, 2002. Figure 3 indicates that the daily timesheet is for the fiscal year 2002, which in the particular circumstance ended on January

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31, 2003. Figure 6 further indicates reduction to practice and use of the program as early as February, 2002.

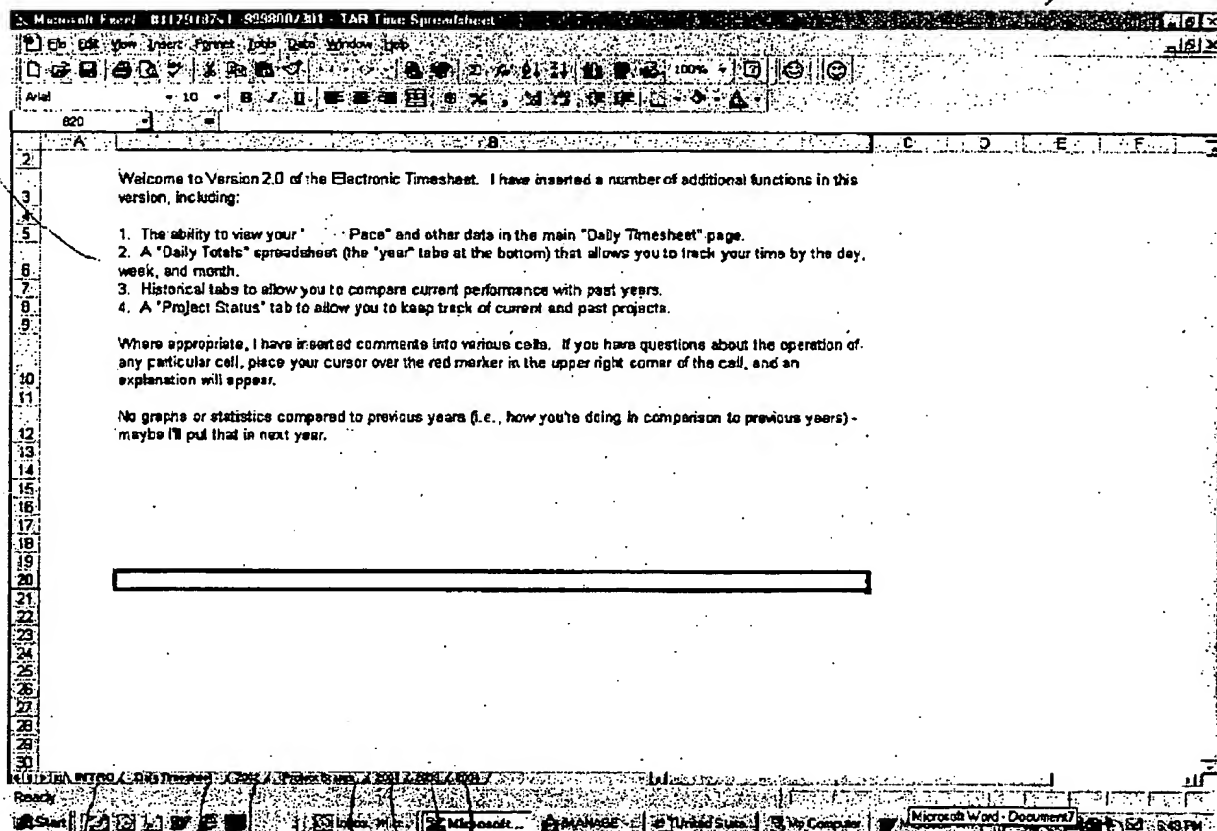
4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: September 28, 2006By: David J. Bates
David J. Bates

FIG. 1

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FIG. 2

Microsoft Excel - RT1/2018/1-201809/08 - TAT Time Spreadsheet

Date	Start	Stop	Hours	Client	Matter	Description	B	MB	T
10/03	11:13 AM	11:44 AM	0.31	18483	710	Review file in preparation for drafting response; draft response to Office Action	0.51	-	-
2006	1:20 PM	2:15 PM	0.91	18483	710	Confer w/	0.91	-	-
2008	3:11 PM	4:20 PM	1.14	18483	710		1.14	-	-
2007	4:27 PM	4:47 PM	0.33	18483	710		0.33	-	-
2008	4:54 PM	5:02 PM	0.15	18483	710		0.15	-	3.1
2009	8:18 AM	9:27 AM	0.18	26032	3383	Review 2nd Notice of Allowance; Phone message to Examiner	0.18	-	0.2
2010	10:50 AM	10:57 AM	0.13	26032	4180	Tic w/ re: review of application	0.13	-	0.2
2011	4:48 PM	4:54 PM	0.10	27830	3577	Draft Reply Instructions	0.10	-	-
2012	5:03 PM	5:55 PM	0.68	27830	3577		0.68	-	1.0
2013	10:32 AM	10:48 AM	0.28	43922	101	Finalize & forward license agreement to	0.28	-	0.2
	2:15 PM	2:36 PM	0.35	62103	101	Tic w/ re: application; Review testing relevance; Draft e-mail to with alternative system design concept and	0.35	-	-
2014	2:44 PM	3:11 PM	0.45	62103	101		0.45	-	0.8
2015	9:48 AM	10:29 AM	0.72	84550		Tic w/ re: machine and US Patent draft	0.72	-	0.8
2016						memorializing e-mail to			
2017	16:03	9:39 AM	1.82	27830	3577	Draft Reply Instructions	1.02	-	-
2018		10:59 AM	1.48	84061	342	draft application	0.48	-	-
2019		1:04 PM	1.48	84061	342		1.40	-	-
2020		2:40 PM	0.71	84061	342		0.71	-	-
2021		3:24 PM	0.60	58248	101	Review Closing assignment; confer w/ re: docket records; confer w/ re: recordation of assignments	0.60	-	-
2022		4:15 PM	2.38	84061	341	draft application	2.38	-	-
2023		8:38 PM	0.28	15546	127	Review & report published patent application	0.20	-	-
2024			0.28	thm	adm	Confer w/ re: filing issue for		-	-

12/11/2018 Daily Timesheet / 2017/2018/2019/2020/2021/2022/2023/2024

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FIG. 3

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FIG. 4

Microsoft Excel - #1179187v1 - 000800701 - TAB Time Spreadsheet										
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FIG. 5

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FIG. 7

Daily Timesheet for TAR

Hours	Bill	Mon-Fri	Total	Nat	Local	Nat	Total	Client	Matter	Num	Description	B	NB	T
1/6/03	7:00	1:00	5:48	3:44	5:31	3:44	5:31				Review & report published patent application	0.20	-	0.2
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00				Draft Reply instructions	1.02	-	1.1
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00				Review Closing assignment; confer w/ ; Confer w/ ; re: docket records; e: recordation of assignments	0.80	-	0.8
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00					2.38	-	2.4
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00					0.49	-	-
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00					1.40	-	-
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00					0.71	-	2.6
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00				re: billing issue for	-	0.20	0.2
1/6/03	1:00	1:00	1:00	1:00	1:00	1:00	1:00					7.10	0.20	7.3

FIG. 8

Microsoft Excel - 411/2/02/01 - 959807/301 - FAR Time Spreadsheet														
02/01/2002														
Daily Totals														
Hours:	Data		Billable	Nonbillable			Cum. Billed Hours	Cum. N-Billed Hours	Projected Hours	Reg. Daily Billable Avg.	My Projected Hours	Month	Hours	Target Monthly Avg.
Target:														
Day														
1	02/01/02		6.3	0.7			6.3	0.7	2239.6	6.67	1600.2	February	137.0	152.5
2	02/02/02						6.3	0.7	1149.8	6.69	1600.2	March	-	152.5
3	02/03/02						6.3	0.7	766.5	6.69	1600.2	April	187.5	152.5
4	02/04/02		6.1	0.6			12.4	1.3	1131.5	6.67	1574.8	May	146.7	152.5
5	02/05/02		6.0	0.0			18.4	1.3	1343.2	6.67	1557.9	June	126.8	152.5
6	02/06/02		9.3	0.0	7.3	avg.	27.7	1.3	1555.1	6.66	1759.0	July	193.0	152.5
7	02/07/02		6.7	0.0	36.3	total billable	34.4	1.3	1793.7	6.66	1747.5	August	201.8	152.5
8	02/08/02		6.2	0.2	0.8	total nonbillable	42.6	1.5	1943.6	6.66	1803.4	September	111.8	152.5
9	02/09/02						42.6	1.5	1727.7	6.68	1803.4	October	114.6	152.5
10	02/10/02						42.6	1.5	1554.9	6.69	1803.4	November	110.0	152.5
11	02/11/02		7.5	0.3			50.1	1.5	1652.4	6.66	1817.9	December	102.9	152.5
12	02/12/02		6.9	0.3			57.0	1.5	1733.8	6.65	1809.8	January	19.7	152.5
13	02/13/02		5.1	0.0	6.9	avg.	63.1	1.5	1771.7	6.65	1780.8			
14	02/14/02		5.0	0.5	34.7	total billable	68.1	2.0	1775.6	6.66	1725.7	TOTAL	1,451.8	1,950.0
15	02/15/02		8.2	0.0	0.5	total nonbillable	77.3	2.0	1681.0	6.65	1784.9			
16	02/16/02						77.3	2.0	1763.4	6.68	1784.9	Target:	1950	
17	02/17/02						77.3	2.0	1669.7	6.68	1784.9			
18	02/18/02		7.7	0.2			85.0	2.2	1723.8	6.65	1799.2			
19	02/19/02		7.3	0.0			92.3	2.2	1773.1	6.64	1803.4			
20	02/20/02		7.2	1.5	7.1	avg.	99.6	3.7	1815.9	6.64	1805.2			
21	02/21/02		6.6	2.2	35.3	total billable	106.3	6.9	1847.6	6.64	1800.0			
22	02/22/02		6.3	0.3	4.2	total nonbillable	112.6	6.2	1060.1	6.64	1787.5			
23	02/23/02						112.6	6.2	1786.9	6.67	1787.5			
24	02/24/02						112.6	6.2	1712.6	6.67	1787.6			
25	02/25/02		7.5	0.0			120.1	6.2	1753.5	6.64	1794.4			
26	02/26/02		7.3	0.6			127.4	6.8	1788.5	6.64	1797.8			
27	02/27/02		6.0	1.4	5.7	avg.	133.4	8.2	1803.4	6.64	1783.3			
28	02/28/02		3.6	1.1	28.3	total billable	137.0	9.3	1785.9	6.66	1739.9			
29	03/01/02		3.9	1.9	5.0	total nonbillable	140.9	11.2	1773.4	6.68	1704.2			
30	03/02/02						140.9	11.2	1714.3	6.69	1704.2			

New Users: Type in the number of hours in columns C and D as it Your monthly hours will these numbers will go to Pace" number.

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FIG. 9

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Microsoft Excel - 81179167-91-989680/101 TAR Time Spreadsheet											
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4	Month	Hours	Target Monthly Avg.	Plus/Minus							
5	February	137.0	162.5	(25.5)							
6	March		162.5		0						
7	April	187.5	162.5	25.0							
8	May	146.7	162.5	(15.8)							
9	June	126.8	162.5	(35.7)							
10	July	193.0	162.5	30.5							
11	August	201.8	162.5	39.3							
12	September	111.8	162.5	(50.7)							
13	October	114.6	162.5	(47.9)							
14	November	110.0	162.5	(52.5)							
15	December	102.9	162.5	(59.6)							
16	January	19.7	162.5	(142.8)							
17	TOTAL	1,451.8	1,950.0	(335.7)							
18	Target	1950									
19											
20											
21											
22	New Users: Type in the number of hours worked (billable and nonbillable) in columns C and D as the year goes on.										
23	Your monthly hours will be calculated at the upper right, and these numbers will go toward calculating your										
24	Pace* number.										
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FIG. 10

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N
337	334	12/31/02	6.2	0.0				1548.6	322.6	1692.3	6.31	1702.8		
338	335	01/01/03			5.9	avg.		1548.6	322.6	1697.3	6.58	1695.5		
339	336	01/02/03	8.3	0.0	23.5	total billable		1554.9	322.6	1689.1	6.60	1696.0		
340	337	01/03/03	8.3	0.0	0.0	total nonbillable		1561.2	322.6	1690.9	6.61	1694.6		
341	338	01/04/03						1561.2	322.6	1695.9	6.94	1694.6		
342	339	01/05/03						1561.2	322.6	1690.9	6.94	1694.6		
343	340	01/06/03	7.1	0.2				1569.3	322.8	1683.6	6.93	1696.1		
344	341	01/07/03						1569.3	322.8	1678.7	6.93	1687.9		
345	342	01/08/03			7.1	avg.		1569.3	322.8	1673.8	7.32	1680.8		
346	343	01/09/03			7.1	total billable		1569.3	322.8	1668.9	7.75	1673.7		
347	344	01/10/03			0.2	total nonbillable		1569.3	322.8	1664.0	8.23	1666.7		
348	345	01/11/03						1569.3	322.8	1659.2	8.78	1666.7		
349	346	01/12/03						1569.3	322.8	1654.4	8.78	1666.7		
350	347	01/13/03						1569.3	322.8	1649.7	8.78	1669.8		
351	348	01/14/03						1569.3	322.8	1644.9	9.41	1652.9		
352	349	01/15/03			#DIV/0!	avg.		1569.3	322.8	1640.2	10.13	1648.1		
353	350	01/16/03			0.0	total billable		1569.3	322.8	1635.6	10.98	1639.3		
354	351	01/17/03			0.0	total nonbillable		1569.3	322.8	1630.9	11.97	1632.6		
355	352	01/18/03						1569.3	322.8	1626.2	13.17	1632.6		
356	353	01/19/03						1569.3	322.8	1621.6	13.17	1632.6		
357	354	01/20/03						1569.3	322.8	1617.0	13.17	1625.9		
358	355	01/21/03						1569.3	322.8	1612.5	14.63	1619.3		
359	356	01/22/03			#DIV/0!	avg.		1569.3	322.8	1607.9	16.46	1612.7		
360	357	01/23/03			0.0	total billable		1569.3	322.8	1603.4	18.81	1606.2		
361	358	01/24/03			0.0	total nonbillable		1569.3	322.8	1599.0	21.95	1599.8		
362	359	01/25/03						1569.3	322.8	1594.5	26.34	1599.8		
363	360	01/26/03						1569.3	322.8	1590.1	26.34	1599.8		
364	361	01/27/03						1569.3	322.8	1595.7	26.34	1593.4		
365	362	01/28/03						1569.3	322.8	1591.3	32.93	1587.0		
366	363	01/06/00	0.0		0.0	avg.		1569.3	322.8	1676.9	43.90	1580.7		
367	364	01/30/03			0.0	total billable		1569.3	322.8	1572.6	65.65	1574.5		
368	365	01/31/03			0.0	total nonbillable		1569.3	322.8	1568.3	131.70	1568.3		

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FIG. 10

Microsoft Excel - #1179187.v1 - 393900/361 - 1A0 Time Spreadsheet										
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337							New Year	Tue	12/31/02	1
338							New Year	Wed	01/01/03	1
339								Thu	01/02/03	1
340								Fri	01/03/03	1
341								Sat	01/04/03	0
342								Sun	01/05/03	0
343								Mon	01/06/03	1
344								Tue	01/07/03	1
345								Wed	01/08/03	1
346								Thu	01/09/03	1
347								Fri	01/10/03	1
348								Sat	01/11/03	0
349								Sun	01/12/03	0
350								Mon	01/13/03	1
351								Tue	01/14/03	1
352								Wed	01/15/03	1
353								Thu	01/16/03	1
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355								Sat	01/18/03	0
356								Sun	01/19/03	0
357								Mon	01/20/03	1
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360								Thu	01/23/03	1
361								Fri	01/24/03	1
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FIG. 13

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FIG. 14.

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Microsoft Excel B1179187.1 9/29/00/7/31 LAN Time Spreadsheet											
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EXHIBIT B

Microsoft Excel - 11/29/2004 259880/381 - TAR Line Spreadsheet						
A2789						
	Date	Start	Stop	Rate	Client	Weather
2779		0.40765266233797	0.410967337962224	0.4	82103	370
2780		0.43125	0.48122868335488	0.4	82103	435
2781		0.628984236107597	0.675050610183168	0.4	83000	158
2782				0.4	83000	158
2783				1.2	84081	342
2784						
2785						
2786						
2787				0.4	26092	4003
2788				0.4	26092	4003
2789						
2790		0.402108259259305	0.4097111111111392	0.4	27830	3947
2791		0.585121627777688	0.5718186666667078	0.4	27830	3947
2792				0.4	27830	3947
2793		0.479372337962559	0.484240625002712	0.4	43822	101
2794		0.606533101854438	0.520648412255751	0.4	43822	121
2795				0.4	82103	106
2796		0.410089490749151	0.464583333333333	0.4	83000	158
2797		0.578408712984352	0.606533101854438	0.4	83000	158
2798		0.846885932403984	0.658762037040808	0.4	83000	158
2799		0.74375	0.749554262410827	0.4	83000	158
2800		0.622784490740742	0.63213078703807	0.4	84081	342
2801		0.830170138287479	0.642381111111111	0.4	84081	342
2802		0.872872600825688	0.744067152778884	0.4	84081	342
2803						
2804	27624	0.467873611109088	0.489103919447337	0.4	18483	710
2805		0.559948537038851	0.583075	0.4	18483	710
2806		0.630285761891763	0.680752515736786	0.4	18483	710
2807		0.685834953706844	0.6998618518919858	0.4	18483	710
2808		0.704277118323248	0.710383888481076	0.4	18483	710
2809		0.38958481480715	0.394021084814297	0.4	26092	3389

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EXHIBIT C

Microsoft Excel - B11/218/v1 - 995800/301 - TAB Time Spreadsheet					
Stop	Hours	Client	Attorney	Blum	
2789	0.410897377662524	-(C2789-B2789)/24	62103	370	Review & report Notice of Allowance
2791	0.491223658335488	-(C2791-B2791)/24	62103	435	Center w. - re: filing action
2792	0.875050610183168	-(C2792-B2792)/24	83900	158	center w. review opinion letter
2793		0.2	83900	158	
2794		1.2	84081	342	draft application
2795					
2796		0.2	28032	402	Y/c w/ - re: filing action
2797		0.2	28032	402	File application
2798					Phone message to - re: application review, e-mail
2799	0.4097111111111322	-(C2799-B2799)/24	27830	3947	
2799	0.5719166666667876	-(C2799-B2799)/24	27830	3947	
2799		0.4	27830	3947	T/c w/ - prepare final draft
2799	0.4842406250007112	-(C2799-B2799)/24	43822	101	Prepare Base License Agreement
2799	0.820846912253791	-(C2799-B2799)/24	43822	101	Prepare Base License Agreement
2799		0.2	62103	108	Memorize conception record for alternatives
2799	0.4845833333333333	-(C2799-B2799)/24	83900	158	center w. - review opinion letter
2799	0.608633101854438	-(C2799-B2799)/24	83900	158	
2799	0.608782037040608	-(C2799-B2799)/24	83900	158	
2799	0.748654282410667	-(C2799-B2799)/24	83900	158	
2799	0.6301300703807	-(C2799-B2799)/24	84081	342	draft application
2799	0.8423611111111111	-(C2799-B2799)/24	84081	342	
2799	0.746087152779684	-(C2799-B2799)/24	84081	342	
2800					
2800					Review file in preparation for drafting response, draft res
2800	0.885103919447337	-(C2800-B2800)/24	19483	710	
2800	0.55375	-(C2800-B2800)/24	19483	710	Center w/
2800	0.880762615738708	-(C2800-B2800)/24	19483	710	
2800	0.635818519519658	-(C2800-B2800)/24	19483	710	
2800	0.7103552854481078	-(C2800-B2800)/24	19483	710	
2800	0.334221084814287	-(C2800-B2800)/24	28032	3983	Review 2nd Notice of Allowance, Phone message to Exa

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EXHIBIT D

Microsoft Excel - 61179187-1 - RPP000/301 - TAT Time Spreadsheet	
File Edit View Insert Format Tools Data Window Help	
F2521 101	
Projected Billable Hours Using 365 Working Days: =LOOKUP(TODAY(),2002158154:628368) Projected Billable Hours Using Actual/Anticipated Working Days: =LOOKUP(TODAY(),2002158154:628368) Average Daily Pace So Far Using Actual Working Days: =LOOKUP(TODAY(),2002158154:628368),LOOKUP Average Daily Pace Needed Using Anticipated Working Days: =LOOKUP(TODAY(),2002158154:628368)	
Description	
	4.9
draft application	
Office conf. w/ re: subscription agreement and IP definitions	0.812713888623055
Draft subscription agreement addendum definitions	0.541813888946208
mtg w/ re: strategy & expert reports	0.928762777788143
Report search results	8.48254722228739
Revise patent application	0.5
	9.3
draft reply	0.60912222231235
draft application	1.1788472222872
draft application	1.18426111108623
Review & revise investor letter	0.412644444499185
mtg w. draftsperson	0.475961111078504
draft application meeting w/ draftsperson	1.30774444448433
	6.2
draft application	0.26947222261224
TAC w/ re: disclosure	0.558744444453823
Attend Presentation/Meeting	1.330280555547036
	1.7290388887859
	1.20563611101817
	2.78515833337781
	0.2